

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, claims 1, 19 and 20 are amended. No new matter is added.

**I. Claim Rejections Under 35 U.S.C. §112**

Claims 1 and 19 are rejected under 35 U.S.C. §112, second paragraph. As claims 1 and 19 are amended, Applicant requests the rejection of claims 1 and 19 be withdrawn. Further, the Office Action, although alleging claim 1 was indefinite, never defined how such was the case. Thus, although claim 1 is amended, it is not in reply to this rejection as no grounds were provided.

**II. Claim Rejections Under 35 U.S.C. §102**

Claims 1, 12 and 20 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,633,976 to Ogino. The rejection is respectfully traversed.

Applicant asserts that Ogino does not disclose each and every feature recited in the rejected claims, as amended. For example, Ogino does not disclose an electronic still camera, comprising, *inter alia*, a charge storage type image-capturing element that stores electrical charges in correspondence to subject brightness distribution and reads out image data corresponding to the electrical charges, a buffer memory unit that stores the image data read out by the image-capturing element ... and a recording signal output circuit that repeatedly stores electrical charges at the image-capturing element and reads out image data from the image-capturing element to store the image data at the buffer memory unit when either continuous shooting mode has been set by the continuous shooting setting unit and compresses and outputs image data corresponding to a frame which has been read out from the buffer memory unit immediately before, while electrical charges for the next frame are being stored during, at least, a period of time in which the second continuous shooting mode has been set, as found in claims 1 and 20.

Ogino discloses an image recording apparatus and electronic still camera. The camera includes a buffer memory 22 for storing the output of the recording process circuit 20 in the unit of an image plane, and a memory control circuit 24 for controlling the write-in and the read-out of the buffer memory 22 (col. 3, lines 8-13). The memory control circuit 24 reads out the data, stored in the buffer memory 22 in succession according to the writing speed of the rigid disk device 26, and sends the read out data to the rigid disk device 26 through the interface circuit 28. The rigid disk device in succession stores the data from the interface circuit 28. In this manner, the compressed data of the photographed images are stored in the rigid disk device 26 (col. 4, lines 15-23).

However, in contrast to the features recited in the rejected claims, as shown in Fig. 2 of Ogino, when the photographing switch 36 is turned on (S4), and if the continuous recording mode is set by the operation unit 38, the system control circuit 30 checks, through the memory control circuit 24, whether the remaining capacity of the buffer memory 22 is at least equal to a predetermined threshold value V1 (S5), which is stored in the memory 31 in advance. If the remaining capacity is at least equal to V1, there is executed the photographing operation (S6), by exposing the image pickup device 14, reading out and recording the charge signal thereof in the buffer memory 22 through the circuits 16, 18, 20 and 24 (col. 4, lines 43-53). Accordingly, in Ogino the next photographing operation is not able to be executed unless the received images are compressed and stored in the buffer memory.

Furthermore, if the remaining capacity of the memory 22 becomes equal to the threshold value V2, the continuous recording mode is interrupted and the sequence functions in the same manner as in the single shot mode (col. 5, lines 10-13). As will be understood from the foregoing explanation, the threshold value V1 corresponds to a remaining memory capacity enabling the continuous recording operation at the start thereof, while the threshold value V2 corresponds to a remaining capacity disabling the continuous recording operation

(col. 5, lines 35-39). Accordingly, Applicant respectfully requests the rejection of claims 1, 12 and 20 under 35 U.S.C. §102(b) be withdrawn.

**III. Claim Rejections Under 35 U.S.C. §103**

Claims 2 and 13 are rejected under 35 U.S.C. §103(a) as unpatentable over Ogino in view of U.S. Patent 6,518,999 to Miyamoto. The rejection is respectfully traversed.

Applicant asserts that claims 2 and 13 are allowable for at least their dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

Furthermore, Miyamoto does not overcome the deficiencies of Ogino discussed above. For example, Miyamoto does not disclose or suggest a recording signal output circuit that compresses and outputs image data corresponding to a frame which has been read out from the buffer memory unit immediately before, while electrical charges for the next frame are being stored during, at least, a period of time in which the second continuous shooting mode has been set. Accordingly, Applicant respectfully requests the rejection of claims 2 and 13 under 35 U.S.C. §103(a) be withdrawn.

Claims 3, 5-8, 10, 11 and 14-19 are rejected under 35 U.S.C. §103(a) as unpatentable over Ogino in view of U.S. Patent 5,517,243 to Kudo et al. (Kudo). The rejection is respectfully traversed.

Applicant asserts that claims 3, 5-8, 10, 11 and 14-16 are allowable for at least their dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

Regarding the rejection of claims 17-19, Applicant asserts that the combination of applied references, whether considered alone or in combination, does not disclose or suggest each and every feature recited in the rejected claims.

For example, regarding claim 17, the Office Action admits that Ogino does not disclose a sensitivity setting unit that sets a higher image capturing sensitivity in the second continuous shooting mode than an image-capturing sensitivity set in the first continuous shooting mode. To overcome the admitted deficiency, the Office Action combines Kudo with Ogino and alleges that Kudo discloses an electronic camera with a sensitivity setting unit 112 in which the image-capturing sensitivity is set higher in a continuous mode than in a single shot mode.

Applicant submits that as also pointed out by the Office Action, Kudo only discloses that the image capturing sensitivity is set higher in a continuous mode than in a single shot mode. Thus, Kudo does not disclose or suggest that the image capturing sensitivity is set higher in a second continuous shooting mode than in a first continuous shooting mode. Accordingly, Applicant respectfully requests the rejection of claim 17 under 35 U.S.C. §103(a) be withdrawn.

Regarding claim 18, the Office Action admits that Ogino does not disclose an exposure value setting unit that sets shutter speed and aperture corresponding to subject brightness and conformance to a predetermined program chart, wherein the exposure value setting unit is provided with a first continuous shooting mode program chart and a second continuous mode program chart, with the second continuous shooting mode program chart shifted toward a higher shutter speed side relative to the first continuous shooting mode program chart.

In an effort to overcome the admitted deficiency, the Office Action combines Kudo with Ogino and alleges that Kudo discloses an electronic camera with an exposure value setting unit that sets shutter speed and aperture corresponding to the subject brightness in conformance to a predetermined set of calculated values, wherein a calculated value used for continuous shooting mode is different from those used in a single shot mode.

However, as pointed out by the Office Action, Kudo only discloses that the exposure value in a single shot mode is different from that in a continuous shooting mode and therefore does not disclose that an exposure value is set in conformance to the first continuous shooting mode or the second continuous shooting mode as recited in claims 18 and 19. Accordingly, Applicant respectfully requests rejection of claims 18 and 19 under 35 U.S.C. §103(a) be withdrawn.

Furthermore, Kudo is silent regarding the additional feature of a second continuous shooting mode program chart in which exposure values are shifted toward a higher shutter speed side relative to the first continuous shooting mode program chart. Accordingly, Applicant respectfully requests rejection of claims 18 and 19 under 35 U.S.C. §103(a) be withdrawn.

Claims 4, 6 and 9 are also rejected under 35 U.S.C. §103(a) as unpatentable over Ogino in view of Miyamoto and further in view of Kudo. The rejection is respectfully traversed.

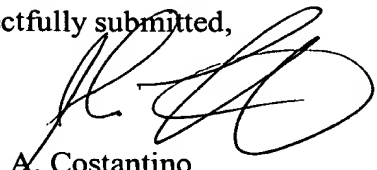
Applicant asserts that claims 4, 6 and 9 are allowable over the applied references of record for the dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein. Furthermore, as neither Miyamoto nor Kudo, whether considered alone or in combination overcome the deficiencies of Ogino discussed above in regard to the rejection of claim 1, Applicant respectfully requests the rejection of claims 4, 6 and 9 under 35 U.S.C. §103(a) be withdrawn.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino  
Registration No. 33,565

John W. Fitzpatrick  
Registration No. 41,018

MAC:JWF/lbg

Date: June 24, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
---